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Wal-Mart Stores, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TAMMY RENEE CLAWSON,

Plaintiff,

v.

Case No.: 2:16-cv-00483-JAD-PAL

WAL-MART STORES, INC., individually and
dba WAL-MART #4974, a Foreign corporation;
DOES I through X. inclusive and ROE
CORPORATIONS I through X, inclusive,

Defendants.

STIPULATED PROTECTIVE ORDER
BETWEEN PLAINTIFF TAMMY RENEE
CLAWSON AND DEFENDANT WAL-
MART STORES, INC.

STIPULATED PROTECTIVE ORDER

The parties to this action, Defendant Wal-Mart Stores, Inc. (“Walmart” or “Defendant”), and Plaintiff, Tammy Renee Clawson (“Clawson” or “Plaintiff”), by their respective counsel, hereby stipulate and request that the Court enter a stipulated protective order pursuant as follows:

1. The Protective Order shall be entered pursuant to *the Federal Rules of Civil Procedure*.

2. The Protective Order shall govern all materials deemed to be “Confidential Information.” Such Confidential Information shall include the following:

- (a) Any and all documents referring or related to confidential and proprietary human resources or business information; financial records of the parties; compensation of Defendant’s current or former personnel; policies, procedures and/or training materials of Defendant and/or Defendant’s organizational structure;
- (b) Any documents from the personnel, medical or workers’ compensation file of

- 1 any current or former employee or contractor;
- 2 (c) Any documents relating to the medical and/or health information of any of
- 3 (d) Any portions of depositions (audio or video) where Confidential Information is
- disclosed or used as exhibits.

4 3. In the case of documents and the information contained therein, designation of
5 Confidential Information produced shall be made by placing the following legend on the face of the
6 document and each page so designated "CONFIDENTIAL" or otherwise expressly identified as
7 confidential. Defendant will use its best efforts to limit the number of documents designated
8 Confidential.

9 4. Confidential Information shall be held in confidence by each qualified recipient to
10 whom it is disclosed, shall be used only for purposes of this action, shall not be used for any business
11 purpose, and shall not be disclosed to any person who is not a qualified recipient. All produced
12 Confidential Information shall be carefully maintained so as to preclude access by persons who are not
13 qualified recipients.

14 5. Qualified recipients shall include only the following:

- 15 (a) In-house counsel and law firms for each party and the secretarial, clerical and
- 16 paralegal staff of each;
- 17 (b) Deposition notaries and staff;
- 18 (c) Persons other than legal counsel who have been retained or specially employed
- 19 by a party as an expert witness for purposes of this lawsuit or to perform
- 20 investigative work or fact research;
- 21 (d) Deponents during the course of their depositions or potential witnesses of this
- 22 case; and
- 23 (e) The parties to this litigation, their officers and professional employees.

24 6. Each counsel shall be responsible for providing notice of the Protective Order and the
25 terms therein to persons to whom they disclose "Confidential Information," as defined by the terms of
26 the Protective Order.

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1 Persons to whom confidential information is shown shall be informed of the terms of this
2 Order and advised that its breach may be punished or sanctioned as contempt of the Court. Such
3 deponents may be shown Confidential materials during their deposition but shall not be permitted to
4 keep copies of said Confidential materials nor any portion of the deposition transcript reflecting the
5 Confidential Information.

6 If either party objects to the claims that information should be deemed Confidential, that
7 party's counsel shall inform opposing counsel in writing within thirty (30) days of receipt of the
8 Confidential materials that the information should not be so deemed, and the parties shall attempt first
9 to dispose of such disputes in good faith and on an informal basis. If the parties are unable to resolve
10 their dispute, they may present a motion to the Court objecting to such status. The information shall
11 continue to have Confidential status during the pendency of any such motion.

12 7. No copies of Confidential Information shall be made except by or on behalf of
13 attorneys of record, in-house counsel or the parties in this action. Any person making copies of such
14 information shall maintain all copies within their possession or the possession of those entitled to
15 access to such information under the Protective Order.

16 8. Any party that inadvertently discloses or produces in this action a document or
17 information that it considers privileged or otherwise protected from discovery, in whole or in part,
18 shall not be deemed to have waived any applicable privilege or protection by reason of such disclosure
19 or production if, within 14 days of discovering that such document or information has been disclosed
20 or produced, the producing party gives written notice to the receiving party identifying the document
21 or information in question, the asserted privileges or protection, and the grounds there for, with a
22 request that all copies of the document or information be returned or destroyed. The receiving party
23 shall return or destroy the inadvertently disclosed documents, upon receipt of appropriately
24 marked replacement documents.

25 9. The termination of this action shall not relieve the parties and persons obligated
26 hereunder from their responsibility to maintain the confidentiality of information designated
27 confidential pursuant to this Order.

10. Within thirty (30) days of the final adjudication or resolution of this Lawsuit, the party receiving Confidential Information shall return all Confidential Material, including all copies and reproductions thereof, to counsel for the designating party.

11. Nothing in this Order shall be construed as an admission to the relevance, authenticity, foundation or admissibility of any document, material, transcript or other information.

12. Nothing in the Protective Order shall be deemed to preclude any party from seeking and obtaining, on an appropriate showing, a modification of this Order.

DATED this 21st day of June, 2016.

DATED this 21st day of June, 2016.

MOSS BERG INJURY LAWYERS

PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ Boyd B. Moss, Esq.

/s/ Melanie L. Thomas, Esq.

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*Attorneys for Plaintiff
Tammy Renee Clawson*

*Attorneys for Defendant
Wal-Mart Stores, Inc.*

ORDER

IT IS SO ORDERED.

DATED this 22 day of June, 2016.


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

Pursuant to FRCP Rule 5, I hereby certify that I am an employee of the law firm PHILLIPS, SPALLAS & ANGSTADT, LLC, and that on this 21st day of June, 2016, I served a copy of **STIPULATED PROTECTIVE ORDER BETWEEN PLAINTIFF TAMMY RENEE CLAWSON AND DEFENDANT WAL-MART STORES, INC.**, as follows:

☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

☐ By Hand Delivery (ROC); and/or

☒ By Electronic Service through CM/ECF to:

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTY
BOYD B. MOSS, ESQ. Nevada Bar No. 8856 MARCUS A. BERG, ESQ. Nevada Bar No. 9760 MOSS BERG INJURY LAWYERS 4101 Meadows Lane, Suite 110, Las Vegas, Nevada 89107 boyd@mossberglv.com	Phone 702-222-4555 Fax 702-222-4556	Plaintiff


An Employee of PHILLIPS, SPALLAS & ANGSTADT LLC